

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MAACO FRANCHISOR SPV LLC, as  
successor-in-interest to MAACO  
FRANCHISING, INC.,

Plaintiff,

v.

Civ. No. 21-0739 KG/KK

S&J AUTO1 LLC, S&J AUTO2 LLC,  
S&J HOLDINGS INC., JEFFREY SCHULTZ,  
and STEPHANIE SCHULTZ,

Defendants.

ORDER VACATING COURT'S ORDER GRANTING DEFAULT JUDGMENT, STAYING  
CASE, AND ADMINISTRATIVELY CLOSING CASE

This matter comes before the Court on Plaintiff Maaco Franchisor SPV LLC, as successor-in-interest to Maaco Franchising Inc.'s (Maaco) Motion to Vacate Document 26, the Court's Order granting Maaco's Motion for Default Judgment. (Doc. 27). Prior to the Court's entry of judgment, and without notice to Maaco or this Court, Defendants Jeffrey Schultz and Stephanie Schultz filed for bankruptcy. The Schultzes bankruptcy filing, Case No. 22-10247-t13, filed in the United States Bankruptcy Court for the District of New Mexico, imposed an automatic stay under 11 U.S.C. § 362. Given this information, the Court finds that Maaco's Motion for Default Judgment was improvidently granted, and hereby grants Maaco's Motion to Vacate (Doc. 27) and in fact VACATES the default judgment (Doc. 26).

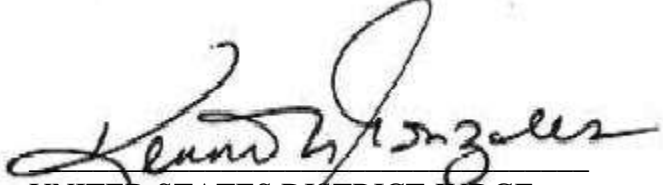
As the Schultzes are in bankruptcy and the automatic stay is imposed, the Court formalizes that statutory scheme by STAYING this case pending resolution of the Schultzes bankruptcy case or leave of the bankruptcy court to proceed.

Furthermore, the Court hereby ADMINISTRATIVELY CLOSES this case pending

resolution of the bankruptcy matter. Maaco will file status updates beginning on September 30, 2022, and every 180 days thereafter, advising the Court of the present status. If and when it is appropriate to reopen this case, Maaco may file a motion to that effect.

Maaco will serve a copy of this Order on all named Defendants and on Mr. Gerald Velarde, the Schultzes' bankruptcy counsel. Defendants may also file a motion to reopen this case.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE